

REMARKS

I.

In the Office Action claims 1-7 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of copending application No. 10/572,625 and claims 1-7 of copending Application No. 10/572,627. The Office Action maintained that although the conflicting claims are not identical, they are not patentably distinct from each other because the references teach the use of structurally similar compounds for the manufacture of hydrofluorocarbons. The Office Action further maintained that nothing unobvious is seen in substituting hydrogen for fluorine atoms or vice versa; and that the claimed process would have been obvious to the skilled artisan because the process for preparing the close structural similarity of the reference compounds suggests the process for preparing the instant compounds.

With regard to application No. 10/572, 625, Applicants note that the process currently claimed in Claim 1 of application No. 10/572, 625 relates to the manufacture of $\text{CF}_3\text{CH}_2\text{CF}_3$ and at least one compound selected from the group consisting of $\text{CF}_3\text{CHFCHF}_2$ and $\text{CF}_3\text{CHFCF}_3$ and that these compounds each contain at least six fluorine substituents. Applicants further note that Claim 1 of application No. 10/572, 625 currently recites production in (a) of a product comprising $\text{CF}_3\text{CCl}_2\text{CF}_3$ and $\text{CF}_3\text{CClFCClF}_2$ (i.e., two compounds containing six fluorine and two chlorine substituents) and currently recites in (b) reaction of $\text{CF}_3\text{CCl}_2\text{CF}_3$ and $\text{CF}_3\text{CClFCClF}_2$ produced in (a) with hydrogen, optionally in the presence of HF. Applicants note that in contrast to this, the process currently claimed in Claim 1 of the present application relates to the manufacture of $\text{CF}_3\text{CH}_2\text{CHF}_2$ and $\text{CF}_3\text{CHFCH}_2\text{F}$ (two compounds containing only five fluorine substituents) and Claim 1 of the present application currently recites production in (a) of a product comprising $\text{CF}_3\text{CCl}_2\text{CClF}_2$ and $\text{CF}_3\text{CClFCCl}_2\text{F}$ (i.e., two compounds containing five fluorine and three chlorine substituents) and in (b) currently recites reaction of $\text{CF}_3\text{CCl}_2\text{CClF}_2$ and $\text{CF}_3\text{CClFCCl}_2\text{F}$ produced in (a) with hydrogen. Applicants submit that these processes not only relate to the manufacture of compounds having a different degree of fluorination, but they also involve different intermediate materials that are taken from (a) and reacted in (b). Accordingly at least for these reasons, Applicants submit that claims 1-7 of the present application clearly are not anticipated by and clearly are not merely an obvious variation of claims 1-9 of application No. 10/572, 625.

With regard to application No. 10/572,627, Applicants note that the process currently claimed in Claim 1 of application No. 10/572,627 does not require in (a) chlorine as a reactant, and recites production in (a) of a saturated compound that contains hydrogen (along

with an unsaturated compound that does not contain hydrogen). Applicants note that in contrast to this, the processes currently claimed in Claim 1 of the present application requires in (a) reaction of inter alia chlorine and recites production in (a) of a product comprising certain saturated compounds that are fully halogenated (i.e., no hydrogen is included in the recited product components). Accordingly at least for these reasons, Applicants submit that claims 1-7 of the present application clearly are not anticipated by and clearly are not merely an obvious variation of claims 1-7 of application No. 10/572, 627.

In any event, if for some reason a nonstatutory double patenting rejection continues to be maintained in connection with the claims of application No. 10/572,625 and/or the claims of application No. 10/572, 627, then Applicants request that withdrawal of the provisional rejection for at least one of the three applications be considered, and that any application for which the rejection is withdrawn be permitted to issue (see MPEP 804 I. B. 1.).

II.

The specification is being amended to insert priority information and to provide the international application numbers for documents referenced in the application. The international application numbers referenced in the application relate to documents corresponding to US Application Nos. 10/572,628 and 10/572,625.

III.

The Office Action required an abstract on a separate sheet, and an abstract page is enclosed herewith.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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